

REMARKS

Claims 1, 7, 10 and 16 have been amended, claims 8 and 9 have been canceled and new claims 17-22 have been added. Thus, claims 1-7 and 10-22 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims view of the foregoing amendments and the following remarks.

Response to Objections:

The Examiner has objected to the drawings for not showing:

the connection-management application, and
the content-provider data processing system.

Applicants have added Figure 3, which includes the connection-management application 142 (see e.g., paragraph [0018]) and have amended the specification to identify the content-provider data processing system in Figure 1. Therefore, respectfully request that the Examiner withdraw the objections.

Response to Rejections Under Section 102:

Claims 10-16 stand rejected under 35 U.S.C § 102(e), the Examiner contending that these claims are anticipated by Allan et al (USPN 6,788,696).

Applicants' Claim 10, as amended (see e.g., FIG. 2A and paragraph [0025]), recites:

a client-side application on said subscriber data processing system
for use by said subscriber:
 to login to said proxy signaling server,
 to receive service advertising information due to said login,
 to request a bandwidth-on-demand session after said
receive,

In contrast, Allan teaches requesting a client-side application on said subscriber data processing system for use by said subscriber to request a content from a content provider (see e.g. col 6 lines 33-38). However, Allan does not teach or suggest via said client-side application

to login to said proxy signaling server,
to receive service information due to said login or
to request a bandwidth-on-demand session after said receive.

In view of the above, claim 10 is not anticipated by Allan. Additionally, for at least the above reasons, independent claim 16 is also patentable. Furthermore, Claims 11-15 which depend on claim 10 are also patentable at least based on their dependence from claim 10 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 1-9 stand rejected under 35 U.S.C § 103(a) as being obvious over Kalimuthu et al. (USPN 7,154,852) in view of Sreedharan et al. (US PGPUB 2002/0057700) and Allan.

Applicants' Claim 1, as amended (see e.g., FIG 2A and paragraph [0025]), recites:

establishing a default connection between a subscriber data processing system and a content-provider data processing system,
said default connection comprising an asynchronous transfer mode (ATM) permanent virtual circuit (PVC); initiating a bandwidth-on-demand session via said subscriber, said bandwidth-on-demand session creates one or more switched virtual circuits (SVCs) between said subscriber

Examiner states that Shreedharan "discloses ATM networking establishing a default connection (initially established), said default connection comprising an ATM PVC ("a tunneling PVC connection is initially established by network management device", para [0034])" Shreedharan's PVC is established between the access concentrator 130, ATM switch 111, and ATM switch 113 in order for two frame relay users 123, 124 coupled to the same access concentrator 130 to exchange data (see e.g. para [0034]). However, Shreedhran does not teach or disclose establishing a PVC between a subscriber and a content provider.

Furthermore, Kalimuthu teaches dynamically adjusting bandwidth by a router according to a rate of demand (see e.g. col. 1 65-66) which is based on a current traffic pattern (see e.g. col. 1 lines 17-20). Therefore, Kalimuthu dynamically adjusts the bandwidth after a receiving a packet requiring extra bandwidth (see e.g. FIG. 4) whereas Applicants' initiating a bandwidth-on-demand session is via said subscriber and is prior to the transmission of packets requiring the new bandwidth.

The following is a quotation from MPEP 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation,

either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In view of the above, claim 1 is patentable. Furthermore, Claims 2-9 which depend on claim 1 are also patentable at least based on their dependence from claim 1 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

New Claims 17-22:

New claims further define the scope of the invention as described in the specification and drawings. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claims 17-22 are patentable and requests allowance of claims 17-22.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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